

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28504-2016 (O&M)

Date of decision: 19.03.2018

M/s Thapar Knitwear Pvt. Ltd. and others

...Petitioners

Versus

Tata Capital Financial Services Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Lalli, Advocate for the petitioners.

Mr. Amrinder Vir Singh, Advocate for
Ms. Jaspreet Kaur, Advocate for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of complaint No.1576 dated 02.05.2016 under Section 138 of Negotiable Instruments Act (for short 'N.I. Act') titled as Tata Capital Financial Services Ltd. Vs. Thapar Knitwear Pvt. Ltd., filed by the respondent before the Judicial Magistrate 1st Class, Patiala, to the competent Court of jurisdiction at Ludhiana.

Learned counsel for the petitioners submits that in pursuance to a loan agreement dated 28.05.2015 advancing the loan of Rs.15 lacs, three complaints were filed at Ludhiana by the respondent on 29.05.2015, 01.03.2016 and 27.04.2016 and the same are pending before the Judicial Magistrate 1st Class, Ludhiana. It is further submitted that the present complaint has been filed at Patiala and in view of the insertion of Section 142-A in N.I. Act, the subsequently filed complaint i.e. the present complaint, be transferred to Ludhiana, where the earlier three complaints are

pending.

The factual position is not disputed by learned counsel for the respondent-complainant that the earlier three complaints are also filed on the basis of dishonour of cheques arising of the same loan agreement between the parties and he has no objection if the present complaint is also transferred to Ludhiana.

In view of the joint submissions made by learned counsel for the parties and in view of the provisions of Section 142-A of The Negotiable Instruments (Amendment) Act, 2015, the criminal complaint No.1576 dated 02.05.2016 under Section 138 of N.I. Act titled as Tata Capital Financial Services Ltd. Vs. Thapar Knitwear Pvt. Ltd. pending in the Court of Judicial Magistrate 1st Class, Patiala is ordered to be transferred to the competent Court of jurisdiction at Ludhiana.

On the oral request made by learned counsel for the parties, three other complaints i.e. complaint No.3390/2015 filed on 29.05.2015, complaint No.2151/2016 filed on 01.03.2016 and complaint No.4086/2016 filed on 27.04.2016, which are pending before the different Judicial Magistrates at Ludhiana, will also be transferred to one Court, in case the appropriate application is moved by the petitioners before the District & Sessions Judge, Ludhiana.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

19.03.2018
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No